

**DECLARATION OF JIAN NI, GUO-LIANG YU, PEDRO ALFONSO,
JEFFREY SU AND REINER GENTZ UNDER 37 C.F.R. § 1.131**

Each of the inventors of U.S. Patent Application No. 08/761,289, filed December 6, 1996, and U.S. Patent Application No. 09/227,854, filed January 11, 1999, Jian Ni, Guo-Liang Yu, Pedro Alfonso, Jeffrey Su, and Reiner Gentz, hereby declare and state as follows:

1. I am an inventor of the subject matter described and claimed in the above U.S. Patent Applications, which are assigned to Human Genome Sciences, Inc. (HGS). The work described below occurred at HGS, which is located in Rockville, Maryland, U.S.A.
2. The above-identified patent application relates to the isolation and characterization of a cDNA encoding a novel gene product designated Chemotactic Cytokine 1 (CCI).
3. A cDNA clone designated "HALTA54" (479,617), was deposited with the American Type Culture Collection (ATCC) on September 25, 1995 and was assigned ATCC Accession Number 97304 (see Exhibit A). Exhibit B, attached hereto, is a redacted printout of data from the HGS electronic documentation system IRIS, which shows the nucleotide sequence (No. 479,617) corresponding to cDNA clone HALTA54. The "Date Sequenced" redacted from Exhibit B is prior to March 6, 1995. Exhibit C, attached hereto, is a redacted printout of a Batch Worksheet which evidences expression of the protein encoded by clone HALTA54 in a baculovirus.

Atty. Docket No.: PF210

expression system. The redacted date upon which this Batch Worksheet was generated is prior to March 6, 1995.

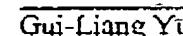
4. The nucleotide sequence disclosed in Exhibit B corresponds to the sequence disclosed in Figure 1 of the above-identified application and U.S. Provisional Application Serial No. 60/008,387, a copy of which is attached herewith as Exhibit D and E, respectively. The only differences between the sequence shown in Exhibits D and E is the exclusion from Exhibits D and E of the initial two G nucleotides and the final G nucleotide (i.e., nucleotides 1, 2 and 483) shown in Exhibit B. The cDNA clone HALTA54 (ATCC Deposit No. 97304) and Exhibit B both contain the entire sequence shown in Exhibits D and E.

5. I declare further that all statements made in this Declaration of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

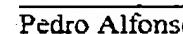
Dated: 11/20/03


Jian Ni

Dated: _____


Gui-Liang Yu

Dated: _____


Pedro Alfonso

Feb-20-03 03:59pm From-HGS PATENT DEPT

3013098439

T-750 P.07/21 F-421

Dated: _____

Jeffrey Su

Dated: _____

Reiner Genitz

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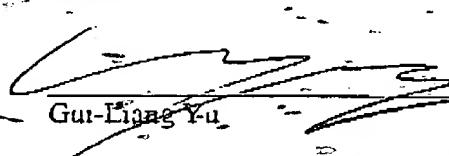
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Dated: _____

Jian Ni



Gui-Liang Yu

Dated: _____

Pedro Alfonso

Atty. Docket No. PF210

Feb-20-03 04:00pm From-HGS PATENT DEPT

3013098439

T-750 P.10/21 F-421

Dated:

Jeffrey Su

Dated:

Reiner Genitz

3

Atty. Docket No : PF210

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Dated: _____

Jian Ni

Dated: _____

Gu-Liang Yu

Dated: 11/25/2002

Pedro Alfonso

Feb-20-03 04:00pm From-HGS-PATENT DEPT

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T-7506 P.13/21 F-421

Dated: _____

Jeffrey Su

Dated: _____

Reiner Gantz

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Dated: _____

Guo-Liang Yu

Dated: _____

Pedro Alfonso

Dated _____

Jeffrey Su

Dated: 11/20/2002

Reiner Gentz

Reiner Gentz

EXHIBIT A

American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5320 Telex: 394-055 ATCCNORTH • FAX: 301-770-2537

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences
Attention: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences

Identification Reference by Depositor:

RECEIVED**HGS PATENT DEPT.**

ATCC Designation

DNA Plasmid, 479617 (Docket PF210)

97304

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.The deposits were received September 25, 1995 by this International Depository Authority and have been accepted.**AT YOUR REQUEST:** We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 5, 1995. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Date: October 11, 1995

Exhibit B

Human Genome Sciences, Inc.
Sequence Worksheet
HALTA54P:

Sequence Information

T-750 P. 18/21 F-421

3013098439

HGS Gene Name: HALTA54P
Library Name: Human Adult Liver
Date Sequenced: HGS
Date Scored: HGS
Search Results
Overlap Factor Description

HGS Code: 479617 Sequence ID: HALTA54P
Library Catalog: H0147 Group ID: 20190
Class: In Group: 35 Previous Class:

Sequence

LOCUS HALTA54P 483 bp XXX UPDATED

DEFINITION

ORIGIN

1 GCGACGAGCA CCACCTCGG CTTTTCGTG TACCTCCAA TCCCTGGCA TTAGGGGTT
61 ALCATTCGCC TGGGAGGTT ACAAACTTG AGGACCATCT CGAGGGATT GTCAGTTCT
121 TCCACCAAATCAGTGG AGGGCATT TTACCTCCCT CTCTAACGTT GAGGTGAAC
181 AGCTGCTTAC AACGACTT GCAACATCA TCACAGTTT CAAGATAAA GCTGTCATC
241 AAGAATTAAT CCACGCTG GATGCTATC AACGTCATCA GGTGAGTT CAGGATTC
301 TAACCTGG ACCATTCG CTAAAGCTT CCATTCACCA CACCCCAA GAGTAGGAG
361 CTCTCTGAAG CCTTTTACG CAGCAGTC CTCATCTCAG CGCTCTTC TTGGCTCAC
421 CAAACCCCG CTGACCTT GCGCGAGTT AACGTTAT AACGACCTT ACCGAAAGTT
481 CTG

Feb-20-03 04:01pm From-HGS PATENT DEPT

Sequence Notes

Feb 20-03 04:01pm From-HGS PATENT DEPT

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Human Genome Sciences, Inc.

Batch Worksheet

HGS HG04900-B1: Chemotactic Cytokine I

Gene Name: Chemotactic Cytokine I

Batch Serial #: HG04900-B1

Created:

By:

Project Code: HG04900

Batch #: 1

Expression: Baculovirus

Qty Produced: 4.50 mg Qty Remaining: 2.50 mg

| Date Sent | Sent To | Amount | Purity | Analysis | Inv | ID# |
|-----------|---------|--------|--------|----------|-----|-----|
| Testing | | 1.00 | 95 | | | 133 |
| J. NI | | 0.50 | 90 | | | 719 |
| J. NI | | 0.50 | 90 | | | 720 |

CACGAGCACCACTGCTGGCTTTGCTGTAGCTCACATTCTGTGCATTGAGGGTTAA
 CATTAGGCTGGGAAGATGACRAAACTTGAAGAGGCATCTGEGGGAAATTGTCATACTTC
 M T K L I E E H L F G I V N I F
 CACCAAACTCAGTCGGAAGGGGCATTGACACCCCTCTCTAAAGGGTGAGCTGAAACAG
 H Q Y S V R K G H F D T L S K G E L K Q
 CTGCTTACAAAGGAGCTGCAAACACCCTCAAGAAATATCAAGATAAAGCTGTCAATTGAT
 L L T K E L A N T I K N I K D K A V I D
 GAAATATTCAGGCCCTGGATGCTAACTAACATGAACAGGTGGACTTTCAAGAAATTCATA
 E I F Q G L D A N Q D E Q V D F Q E F I
 TCCCTGGTAGCCATTGGCTGAAGGCTGCCCATIACACACACCCACAAAGAGTAGGTAGCT
 S L V A I A L K A A H Y H T H K E
 CTCCTGAAGGCTTTACCCAGCAATGTCCPCAATGGAGGGTCTTTCTTGCTCACCA
 AAACCCAGCTGACCCCTGGGGGAGTTAAGAGTTAACACACTTCACGGAAAGTTCT

FIGURE 1 1/2

2

1

10 CACGAGCACCTGCTGGCTTTTGTAGCTCCACATTCCTGTGCATTGGGGCGTTAA
 20 CATTGGCTGGAGATGACAAACTGAGAGCATCTGGGGGAAATTGTCAATATCTTC
 30 M T K L E E H L E G I V N I F 50
 40 130 M T K L E E H L E G I V N I F 110
 50 150 H Q Y S V R K G H P D T L S K G E L K Q 170
 60 170 CTGCTTACAAAGGGCTTGCAANACCATCAGATAAAGCTGTCAATTGAT
 70 L L T K E' L' A N T I K N I K D K A' V I D 230
 80 190 210 250 270 290
 90 GAATATTCTAAGGGCTGGATGCTTAATCAAGATGAACAGCTGCACTTCAGAAATTCTAA
 100 E I F Q G I L D A N Q D B Q V D F Q E F I 350
 110 130 150 170 190 210 230 250 270 290
 120 TCCCTGGTAGGCCATTGGCTGAAGGCTGCCATTACCAACCCACAAAGAGTAGGTAGCT
 130 S L V A I A L K A A H Y H T H K B 410
 140 160 180 200 220 240 260 280 300 320
 150 370 390 410 430 450 470
 160 CTCTGAAAGGCTTTAACCCAGGCHARTGCTCAATGGAGGGGTAGTAACTTACCACTTACGGAAAGTCTC
 170 AAAACCCAGCTTGACCCCTGGGGGGAGTTAGAGTAACTAACCACTTACGGAAAGTCTC
 180